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S. Matthew Schultz, Robert P. Beynon, Larry McNeill, and
Thomas L. Wood and Nominal Defendant Cleanspark, Inc.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

10 NICHOLAS IRACI, Derivatively on Behalf of
11 CLEANSPIKE, INC.,

Case No.: 2:23-cv-00315-JAD-NJK

(Removal from District Court, Clark County,
Nevada, Case No. A-23-866172-C)

V.

14 ZACHARY K. BRADFORD, LORI L. LOVE,
15 S. MATTHEW SCHULTZ, ROGER P.
BEYNON, LARRY MCNEILL, and THOMAS
L. WOOD,

**JOINT STIPULATION AND ORDER
EXTENDING TIME TO RESPOND TO
MOTION TO CONSOLIDATE**

Defendants.

ECF Nos. 15, 22

19 | CLEANSPIKE, INC., a Nevada Corporation.

Nominal Defendant.

22 Plaintiff Nicholas Iraci (“Plaintiff”), derivatively on behalf of Nominal Plaintiff
23 CleanSpark, Inc. (“CleanSpark”) and Defendants Zachary K. Bradford, Lori L. Love, S.
24 Matthew Schultz, Larry McNeill, Thomas L. Wood, Roger P. Beynon (the “Individual
25 Defendants”), and Nominal Defendant CleanSpark (together with the Individual Defendants,
26 “Defendants”) (collectively, with Plaintiff, the “Parties”), by and through their undersigned
27 counsel, hereby enter into the following stipulation and proposed order:

28 | // /

1 **WHEREAS**, on February 24, 2023, Plaintiff filed a shareholder derivative complaint (the
2 “Complaint”) on behalf of Nominal Plaintiff CleanSpark in the Eighth Judicial District Court of
3 the State of Nevada in and for Clark County (“State Court”), captioned *Iraci v. Bradford, et al.*,
4 Case No. A-23-866172-C (this “Action”); and

5 **WHEREAS**, on February 28, 2023, the Defendant S. Matthew Schultz filed a Petition
6 for Removal (Dkt. 1) and Notice of Removal, removing this Action from State Court to the
7 United States District Court for the District of Nevada; and

8 **WHEREAS**, on March 24, 2023, the Individual Defendants filed a Motion to
9 Consolidate, asking the Court to consolidate this Action into the consolidated shareholder
10 derivative action pending in the United States District Court for the District of Nevada, *In re*
11 *CleanSpark, Inc. Derivative Litigation*, Case No. 2:21-cv-01181-GMN-BNW (the “Motion to
12 Consolidate”) (Dkt. 15); and

13 **WHEREAS**, on March 30, 2023, Plaintiff filed the Motion to Remand and for Attorney’s
14 Fees and Costs, which has been noticed for consideration by the Court in the normal course (the
15 “Motion to Remand”) (Dkt. 16); and

16 **WHEREAS**, Defendants intend to move to dismiss the Complaint in this Action; and

17 **WHEREAS**, the Parties agree to extend the deadline for Plaintiff to oppose the Motion
18 to Consolidate (Dkt. 15) until on or before April 17, 2023; and

19 **WHEREAS**, the Parties agree to extend the deadline for Defendants to reply in support
20 of the Motion to Consolidate until on or before April 24, 2023.

21 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by the Parties
22 hereto, through their undersigned counsel, subject to the approval of the Court, as follows:

23 1. Plaintiff’s deadline to oppose the Motion to Consolidate is extended until on or
24 before April 17, 2023.

25 2. Defendants’ deadline to reply in support of the Motion to Consolidate is extended
26 until on or before April 24, 2023.

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1 3. Other than as agreed herein, the Parties reserve all rights.

2 DATED: April 4, 2023

DATED: April 4, 2023

3 **FOX ROTHSCHILD LLP**

ALDRICH LAW FIRM, LTD.

4 /s/ Colleen E. McCarty

/s/ John P. Aldrich

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11 **IT IS SO ORDERED.**

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14 UNITED STATES DISTRICT JUDGE
DATED: April 5, 2023

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